

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty First Judicial District Court, County of Ravalli

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-194
-vs-)	
)	DECISION
KYLA DAWN CLARK-DAHL,)	
)	
Defendant.)	

On March 23, 2016, for Charge I: Criminal Possession of Dangerous Drugs, a felony, in violation of §45-9-102(6), MCA, the Defendant was sentenced to a prison operated by the Department of Corrections, for a term of forty (40) years, of which twenty (20) were suspended, and she was deemed ineligible for parole for the first ten (10) years. The sentence was ordered to run concurrently with the sentences in DC-12-154, DC-13-25, DC-13-28, and DC-13-51 and she was designated a persistent felony offender.

For Charge II: Criminal Possession of Drug Paraphernalia, a misdemeanor, in violation of §45-10-103, MCA, the Defendant was sentenced to six (6) months in the Ravalli County Detention Center, ordered to run concurrently with the sentences in Charge I and III.

For Charge III: Criminal Distribution of Dangerous Drugs, a felony, in violation of §45-9-101(1),(3), MCA, the Defendant was sentenced to a prison operated by the Department of Corrections, for a term of forty (40) years, of which twenty (20) were suspended, and she was deemed ineligible for parole for the first ten (10) years. The sentence was ordered to run concurrently with the sentences in Charge I and II and she was designated a persistent felony offender. The Court did not assess any fees or costs. Conditions were enumerated for any suspended portions of the sentences.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Roberta Drew of the Office of the State Public Defender. Ravalli County Deputy Attorney Thorin Geist appeared by videoconferencing.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).


The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of April, 2018.

DATED this 23 day of APRIL, 2018.

SENTENCE REVIEW DIVISION

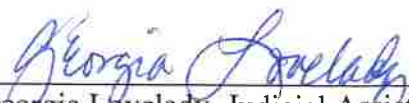

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 3rd day
of May, 2018, to:

Clerk of District Court (Original)
Kyla Dawn Clark #3011615, Defendant (2)
Hon. Jeffrey H. Langton
Roberta Drew, Defense Counsel
Thorin Geist, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division